



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

CRS  
Docket No: 223-00  
4 April 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 30 July 1963 at age 17. The record reflects that you received four nonjudicial punishments and were convicted by two special courts-martial. The offenses included an unauthorized absence of a day, making a false official statement, absence from your appointed place of duty on six occasions, failure to obey a lawful order on four occasions, and disrespect.

A psychiatric evaluation, conducted on 31 March 1965, found that you had a character and behavior disorder. On 1 April 1965 you made a written statement that you were a homosexual and had engaged in homosexual acts with civilians.

On 4 April 1965 the commanding officer recommended that you be separated with an undesirable discharge by reason of unfitness due to homosexual acts. Subsequently, you received a fifth nonjudicial punishment for failure to obey a lawful order and insubordination. After review by the discharge authority, the recommendation for separation was approved and you were

discharged with an undesirable discharge on 28 May 1965.

On 10 June 1977 the Naval Discharge Review Board (NDRB) changed the characterization of the discharge to general under the provision of the Special Discharge Review Program (SDRP). However, on 1 July 1978 NDRB declined to confirm the general discharge under its uniform discharge review standards, thus denying you veterans' benefits.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the contention that you had a bi-polar disorder and other disabilities. However, these factors were not sufficient to warrant further recharacterization of your discharge or confirmation of your general discharge, given your frequent involvement with military authorities. The Board especially noted the fact that you were the subject of seven disciplinary actions within a period of less than two years. In this regard, there is no evidence of record nor did you present any, to show that your bi-polar disorder and other unspecified disabilities made you unable to tell right from wrong or adhere to the right, or mitigated your misconduct to the extent that favorable action is warranted. Further, the Board believed that the relief granted by the NDRB in accordance with the provisions of the SDRP is more than sufficient in your case. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director